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IN THE CLAIMS

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Claim 1 (original): A fastening apparatus for use with a closure means, including a latch configured to receive a catch that is attached to a closure means, characterised in that the latch includes a lever attached to a release mechanism for the fastening apparatus wherein the lever extends outwards from the closure means when the closure means is held in the open position and there is a cushioning apparatus intermediate of the latch and the closure means, said cushioning apparatus cushioning by contact with said closure means with respect to said latch.

Claim 2 (original): A fastening apparatus as claimed in claim 1 wherein the latch includes a back-plate for fixing the latch to a preferred surface.

Claim 3 (currently amended): A fastening apparatus as claimed in claim 1 either claim 1 or claim 2 wherein the lever is centrally pivoted with respect to the back-plate.

Claim 4 (currently amended): A fastening apparatus as claimed in claim 1 any previous claim wherein the release mechanism includes a notched section of the lever.

Claim 5 (original): A fastening apparatus as claimed in claim 4 wherein the notched section is angled in a substantially perpendicular plane with respect to the back-plate in order to effect the required distance between the surface to which the back-plate is affixed and the closure means-when the catch and the latch are engaged.

Claim 6 (original): A fastening apparatus as claimed in claim 4 wherein the notched section includes at least one notch for engaging with a complementary catch.

Claim 7 (currently amended): A fastening apparatus as claimed in claim 1 ~~any previous claim~~ wherein the latch is released from the catch by the application of pressure to the opposite distal end of the lever with respect to the notched section.

Claim 8 (currently amended): A fastening apparatus as claimed in claim 1 ~~any previous claim~~ wherein the latch includes a cushioning apparatus.

Claim 9 (original): A fastening apparatus as claimed in claim 8 wherein the cushioning apparatus is positioned to extend in a substantially perpendicular plane with respect to the back-plate and to contact the closure means when the closure means is secured by the fastening apparatus.

Claim 10 (currently amended): A fastening apparatus as claimed in claim 4 ~~any of claims 4 to 9~~ wherein the catch is configured to be able to engage with the notched section on the complimentary latch.

Claim 11 (currently amended): A fastening apparatus as claimed in claim 1 ~~any previous claim~~ wherein the latch is configured such that it can be used with either a left handed or right handed opening closure means.

Claim 12 (currently amended): A fastening apparatus as claimed in claim 1 ~~any previous claim~~ wherein the catch is configured to be substantially U-shaped.

Claim 13 (original): A fastening apparatus as claimed in claim 12 wherein the catch is configured to receive an attachment to secure the catch against the closure means.

Claim 14 (original): A fastening apparatus as claimed in claim 12 wherein the catch includes an attachment apparatus to secure the catch against a closure means.

Claim 15 (currently amended): A fastening apparatus as claimed in claim 4 ~~any of claim 4 to claim 14~~ wherein the notched section of the lever is located towards the leading distal end of the lever and a handle is located towards the trailing distal end of the lever.

Claim 16 (original): A fastening assembly as claimed in claim 16 wherein the notched section is configured to be substantially right-angled to the axis of the lever.

Claim 17 (original): A fastening apparatus as claimed in claim 17 wherein the notched section includes notches on both the upper and lower surfaces of the notched section.

Claim 18 (currently amended): A fastening assembly as claimed in claim 1 ~~any previous claim~~ wherein a biasing means is located substantially centrally to the lever.

Claim 19 (original): A fastening apparatus as claimed in claim 18 wherein the biasing means is a spring.

Claim 20 (currently amended): A fastening apparatus as claimed in claim 18 ~~either claim 18 or claim 19~~ wherein the biasing means is attached to the lever at the point at which the lever is attached to the back-plate.

Claim 21 (original): A fastening apparatus as claimed in claim 20 wherein one end of the biasing means is attached to the lever whilst the other end of the biasing means is attached to the back- plate.

Claim 22 (currently amended): A fastening assembly as claimed in claim 18 ~~any of claims 18 to claim 21~~ wherein the biasing means is positioned to effect a pivotal movement on the lever through a substantially vertical plane.

Claim 23 (original): A fastening apparatus as claimed in claim 22 wherein the biasing means ensures that the leading distal edge of the latch is biased downwards from the horizontal when the latch is not engaged with the catch.

Claim 24 (currently amended): A fastening apparatus as claimed in claim 18 ~~any of claim 18 to claim 23~~ wherein the biasing means exerts a positive pressure in a substantially downward direction onto the catch when the catch is engaged with the latch.

Claim 25 (currently amended): A fastening apparatus as claimed in claim 1 ~~any previous claim~~ wherein the latch includes a restraint device that is configured as a substantially angled portion of the back-plate that limits the upward movement of the trailing distal end of the lever past a pre-defined point.

Claim 26 (currently amended): A fastening apparatus as claimed in claim 8 ~~any of claims 8 to claim 25~~ wherein the cushioning apparatus is positioned substantially over the point of attachment of the biasing means and the lever to the back-plate.

Claim 27 (original): A fastening apparatus as claimed in claim 27 wherein the cushioning apparatus is constructed of a material that exhibits elastic deformation under the application of direct pressure.

Claim 28 (currently amended): A fastening apparatus as claimed in claim 26 ~~either of claims 26 or 27~~ wherein the cushioning apparatus operates as a positive stop against the closure means.

Claim 29 (currently amended): A fastening apparatus as claimed in claim 26 ~~either of claims 26 or 27~~ wherein the cushioning apparatus operates as a movement damping device against the closure means.

Claim 30 (currently amended): A fastening apparatus as claimed in
claim 15 ~~any of claims 15 to claim 29~~ wherein the handle of the lever is configured to have a partially textured surface.

Claim 31 (currently amended): A fastening apparatus as claimed in
claim 15 ~~any of claims 15 to 29~~ wherein the handle of the lever includes a substantially rubber-like area.

Claim 32 (cancelled)

Claim 33 (cancelled)